

**REMARKS**

Claims 1, 6, 7, 9, 13 and 15-25 are pending in this application. By this Amendment, claims 1, 7, 9 and 13 are amended. Support for the amendment to claim 1 may be found, for example, in the original subject matter of claim 2; the amendments to claims 7, 9 and 13 relate only to matters of form. Claims 2-5, 8, 10-12, and 14 are canceled without prejudice or disclaimer. Claims 15-25 are newly added. No new matter is added. Applicant respectfully requests reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Claims 12-14 are rejected under 35 USC § 101 as being directed to non-statutory subject matter. Of these claims, only claim 13 remains pending. Withdrawal of the rejection of claim 13 is respectfully requested in view of the amendment thereto set forth above to recite "[a] computer-readable medium."

Claim 7 is rejected under 35 USC § 112, 2<sup>nd</sup> paragraph. Withdrawal of the rejection is respectfully requested in view of the amendment to claim 7 set forth above to recite "the predetermined specific image."

Claims 1, 7, 8, 11 and 12 are rejected under 35 USC § 102(b) as being anticipated by Murakami (Japanese Patent Publication No. 2002-281435). Claims 8, 11 and 12 are canceled, rendering their rejection moot. Applicant respectfully traverses the rejection of claims 1 and 7.

Murakami does not support the rejection for at least the reason that it fails to disclose "the file creation unit includes an encryption unit that encrypts the data of the image portion and stores the data encrypted by the encryption unit into the non-image data area," as recited in claim 1. The Office Action correctly recognizes that Murakami is silent regarding this feature (Office Action, page 5, item 8).

Accordingly, claim 1 is allowable over Murakami, as is claim 7 for at least the reason that it depends on claim 1, as well as for the additional features it recites. Withdrawal of the rejection is therefore respectfully requested.

Claims 2, 6, 9 and 13 are rejected under 35 USC § 103(a) as being unpatentable over Murakami in view of Steinberg (US 5,862,218). Claim 2 is canceled, rendering its rejection moot. Applicant respectfully traverses the rejection of claims 6, 9 and 13.

Claims 6, 9 and 13 depend on claim 1 and are therefore allowable over Murakami for at least reasons discussed above. Steinberg does not cure the deficiencies in Murakami.

The Office Action cites Steinberg at col. 3, line 63, to col. 4, line 12, as disclosing the noted feature. Applicant respectfully disagrees. Steinberg's indicium, described in the cited passage, is simply information that is used to mark an original image, and thus in no way corresponds to the image portion of the image data, as recited in claim 1. In Steinberg, even if the encrypted indicium has been decrypted, complicated processing is still needed to remove the mark from the image marked by using the indicium. By contrast, features as recited in claim 1 of the present application make it possible to circumvent such complicated processing. This is so, among other reasons, because the data of the image portion of the image data is just a part of the original image data. Thus, if the encrypted data of the image portion of the image data has been decrypted, it is easy to restore original image data.

Accordingly, claim 1 is allowable over Murakami and Steinberg. Consequently, claims 6, 9 and 13 are likewise allowable over Murakami and Steinberg for at least the foregoing reasons, as well as for the additional features they recite. Withdrawal of the rejection is therefore respectfully requested.

Claims 3, 4, 10 and 14 are rejected under 35 USC § 103(a) as being unpatentable over Murakami in view of Yamada (US Pub. No. 2002/0051140). Claims 3, 4, 10 and 14 are canceled, rendering their rejection moot.

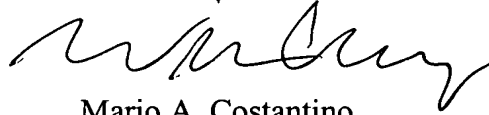
Claim 5 is rejected under 35 USC § 103(a) as being unpatentable over Murakami in view of Fox (US 6,888,569). Claim 5 is canceled, rendering its rejection moot.

New claims 15-25 are allowable over the art of record along lines discussed above. For example, new independent claim 15 corresponds substantially to claim 1 and further includes the features of a JPEG file including RST marker codes. New independent claim 16 corresponds substantially to new claim 15 and additionally recites a marker code insertion unit that inserts RST marker codes. New claims 17 and 18 each correspond substantially to claim 6 and depend on allowable claims 15 and 16, respectively. Similarly, new claims 19 and 20 each correspond substantially to claim 7 and depend on allowable claims 15 and 16, respectively. New claim 21 is a method claim corresponding to new claim 15. New claim 22 is computer-readable medium claim corresponding to new claim 15. The remaining new claims 23-25 are allowable for at least the reason that they depend on one of allowable independent claims 1, 15 or 16, as well as for the additional features they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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